

U.S. Serial No. 10/670,460
21,294

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Facey et al

Group Art Unit: 1725

Application No.: 10/670,460

Filed: September 26, 2003

Title: METHOD FOR CENTERING A
SPUTTER TARGET ONTO A
BACKING PLATE AND THE
ASSEMBLY THEREOF

Examiner: J. Johnson

RESPONSE TO RESTRICTION REQUIREMENT

Via Fax - (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action issued August 9, 2005, Applicants respectfully elect, with traverse, the invention of Group I drawn to a method of making a sputter target assembly. Attached hereto is an extension of time for a period of two-months.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all the claims in a single application.

Although the Examiner has alleged different classifications for the inventions for Groups I and II, it would seem that search and examination involved for both groups of invention would substantially overlap. For example, the elected sputter target assemblies, involve the alignment of the target to the backing plate. It would seem that some overlap would exist with examination of the method of forming the sputter targets of the non-elected invention. Because of

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the apparent overlapping examination, a serious burden would not be imposed on the Examiner to examine all of the claims in a single application, and restriction is improper. With respect to the election of species, Applicants select subgroup Ib. However, it is noted that the dependent claims identified further define or adds features to the ones found in the independent claims. Further, as the Examiner has noted claims 1 and 13 are generic. Thus, all the dependent claims should be examined together.

If there are any questions concerning this paper, or the application in general, the Examiner is invited to telephone the undersigned at his or her earliest convenience.

Respectfully submitted,



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October 31, 2005
CS-21,294

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on October 31, 2005.

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